

California Department of Education

Misuse of State Resources, Inexcusable Neglect of Duty (Case I2011-1083)

REPORT NUMBER I2012-1, CHAPTER 9, ISSUED DECEMBER 2012

This report concluded that a California Department of Education (Education) employee misused state time and equipment when he posted nearly 4,900 comments on *The Sacramento Bee's* news Web site during state time. The employee also performed work for a third party using state resources during state time. The employee's former supervisor failed to supervise the employee appropriately, thus enabling the employee's misuse of state time and equipment.

In the report, the California State Auditor (state auditor) made the following recommendations to Education. The state auditor's determination regarding the current status of recommendations is based on Education's response to the state auditor as of December 2012.

Recommendation 1—See pages 58 and 59 of the investigative report for information on the related finding.

Education should block *The Sacramento Bee's* Web site from the employee's computer station for a specified period.

Education's Action: Fully implemented.

Education reported that the employee resigned in November 2012, and that the recommendation no longer is applicable.

Recommendation 2—See pages 58 and 59 of the investigative report for information on the related finding.

Education should evaluate the necessity of the employee's direct access to *The Sacramento Bee's* Web site and take appropriate actions to prevent further abuses of state resources. These actions may include blocking other specific Web sites or periodically monitoring the employee's Internet usage.

Education's Action: Fully implemented.

Education reported that the employee resigned in November 2012, and that the recommendation no longer is applicable.

Recommendation 3—See pages 58—60 of the investigative report for information on the related finding.

Education should take appropriate corrective action against the employee for misusing state resources.

Education's Action: No action taken.

Education reported that the employee resigned in November 2012, and that the recommendation no longer is applicable. However, Education had at least one month after we notified it of the activity in October 2012 to pursue corrective action, and could still take action to ensure that the employee's misconduct is noted in the employee's official personnel file.

Recommendation 4—See pages 60 and 61 of the investigative report for information on the related finding.

Education should take appropriate corrective action against Supervisor A for failing to adequately monitor and discipline the employee.

Education's Action: Partially implemented.

Education reported that Supervisor A attended its in-house training on personnel management. Education claimed that this training was designed to improve the supervisor's personnel management knowledge and skills, including awareness of incompatible activities, progressive discipline, and employee disciplinary actions. However, this training does not constitute taking corrective action against the supervisor for neglecting his duty to monitor and discipline the employee.